

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0204**

*Reversed*

*Eligible Weeks 47-23, 49-23 through 50-23, 52-23, and 03-24 through 04-24*

**PROCEDURAL HISTORY:** On December 13, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to register for work in accordance with the Department's rules and was ineligible for benefits for the week of November 19 through 25, 2023 (week 47-23) and until the reason for the denial ended. Claimant filed a timely request for hearing. On February 16, 2024, ALJ Adamson conducted a hearing at which the Department failed to appear, and issued Order No. 24-UI-248325, modifying<sup>1</sup> the December 13, 2023 administrative decision by concluding that claimant was ineligible for benefits for the weeks from December 3 through 16, 2023 (weeks 49-23 through 50-23), December 24 through 30, 2023 (week 52-23), and January 14 through 27, 2024 (weeks 03-24 through 04-24). On February 24, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant sent emails to the Department and/or the Office of Administrative Hearings (OAH) on February 23, 27 and 28, and March 8, 2024, all of which contained arguments regarding the issues in this matter. EAB has construed these emails as written arguments. Each of claimant's arguments contained information that was not part of the hearing record, and did not show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing when reaching this decision. EAB considered claimant's arguments to the extent they were based on the record.

**FINDINGS OF FACT:** (1) On October 26, 2023, claimant filed an initial claim for unemployment insurance benefits. Claimant subsequently claimed benefits for the weeks 47-23, 49-23 through 50-23, 52-23, and 03-24 through 04-24. These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

<sup>1</sup> Although Order No. 24-UI-248325 stated that it affirmed the December 13, 2023, administrative decision, it modified that decision by changing the effective dates of ineligibility from week 47-23 to weeks 49-23 through 50-23, 52-23, and 03-24 through 04-24. Order No. 24-UI-248325 at 4. Additionally, it appears that the order under review neglected to rule on claimant's eligibility for week 47-23, despite the record showing that claimant claimed benefits for that week. Order No. 24-UI-248325 at 4. EAB considered claimant's eligibility for week 47-23 along with the other weeks at issue.

(2) Also on October 26, 2023, the Department mailed claimant a letter (“UI Pub 277”) advising him that he was required to complete job-seeker registration requirements, including registration for IMatchSkills and an orientation meeting with a WorkSource Oregon staffer, by November 13, 2023. Exhibit 2 at 11; Exhibit 5 at 1. In addition to the work registration requirements, UI Pub 277 also advised claimant of a separate requirement, stating:

Complete your identity verification. During your orientation, present two primary documents OR one primary and two secondary documents. Please review the provided list and bring the appropriate documents to your orientation.

Exhibit 5 at 1. UI Pub 277 did not contain any additional details about where or how to complete the identity verification requirement.

(3) On or around November 9, 2023, claimant received a letter from the Department explaining that he was required to complete his identity verification, and that he could do so by visiting a post office or a WorkSource Oregon office. Claimant visited a post office and completed the identity verification that day.<sup>2</sup>

(4) Claimant never received UI Pub 277 and was not aware of the work registration requirements until January 31, 2024, when he learned of them at a hearing on the matter of his identity verification. Claimant completed the work registration requirements the next day, February 1, 2024.

**CONCLUSIONS AND REASONS:** Claimant did not have adequate notice of the work registration requirements prior to the weeks at issue, and therefore was eligible for benefits for those weeks.

ORS 657.155(1)(a) states that an individual shall only be eligible to receive benefits with respect to any week if “[t]he individual has registered for work at and thereafter has continued to report at an employment office in accordance with” the Department’s rules. ORS 657.159 states that to satisfy the registration requirement of ORS 657.155(1) an individual shall submit such information regarding the individual’s job qualifications, training and experience as the Department requests.

OAR 471-030-0035 (January 11, 2018) provides, in part:

(1) A claimant may fulfill the “registered for work” requirements of ORS 657.155(1)(a) by completion of such processes as directed by the Director in order to create a full registration for work.

(2) “Full registration for work” as used in this rule, means providing information regarding the individual's job qualifications, skills, training and experience as the Director or an authorized representative of the Director deems necessary to carry out job placement services for the individual.

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<sup>2</sup> The Department issued a separate administrative decision which concluded that claimant had failed to complete the identity verification process. *See* UI Case No. 2024-UI-03780. That issue is not before EAB in this matter, however, and is discussed here only for purposes of explaining which documentation claimant received from the Department.

OAR 471-020-0020(l)(a) (August 8, 2004) provides, in relevant part, that unemployment insurance claimants shall submit such information as may be required by the Oregon Employment Department to carry out job placement services for the individual including, but not limited to, the individual's job qualifications, training and experience. Such information shall be entered into the Business & Employment Services online job match system concurrent with, or as soon as possible following, the filing of an initial claim for unemployment insurance benefits. Entry of this information shall constitute enrollment.

The Department denied claimant benefits for week 47-23 because he did not complete his work registration requirements by November 13, 2023. The order under review modified this by concluding that claimant was ineligible for benefits for weeks 49-23 through 50-23, 52-23, and 03-24 through 04-24. Order No. 24-UI-248325 at 4. As noted above, the record shows that week 47-23 should be included in the weeks at issue, and therefore is included in this analysis.

The order under review based its determination that claimant was ineligible for benefits for the weeks at issue on a finding that claimant “received [UI Pub 277] prior to the deadline” of November 13, 2023. Order No. 24-UI-248325 at 2. The record does not support this finding. Although the Department did not appear at the hearing, the record contains copies of comments entered into claimant’s claim, including two comments indicating that UI Pub 277 was mailed to claimant on October 26, 2023. Exhibit 2 at 11, 12. Despite this, claimant testified that he never received UI Pub 277, but had only received a document explaining the identification verification requirements. Audio Record at 11:55. The finding that claimant received UI Pub 277 appears to be based largely on a determination that this testimony suggests the letter claimant received *was* UI Pub 277.

However, a key difference between the wording of UI Pub 277 (a generic version of which was admitted into evidence—*see* Exhibit 5 at 1) and the letter that claimant stated he received was the language advising claimant that he could complete his identity verification at a post office or a WorkSource Oregon office. No such language appears in UI Pub 277, indicating that the document claimant received was *not* UI Pub 277, but instead a separate document which only explained the identity verification requirements. This and claimant’s explicit testimony that he did not receive UI Pub 277 show that claimant likely did not receive UI Pub 277, and the facts have been found accordingly.

Under OAR 471-030-0035, “[a] claimant may fulfill the “registered for work” requirements of ORS 657.155(l)(a) by completion of such processes as directed by the Director in order to create a full registration for work.” Because claimant did not receive UI Pub 277, advising him of how to complete his work registration and when the deadline was, he was not advised of what he was required to do “in order to create a full registration for work” prior to any of the weeks at issue,<sup>3</sup> and he therefore did not fail to follow those directions. Claimant is therefore eligible for benefits for all of the weeks at issue, if otherwise eligible.

The record also shows that claimant had attempted to file claims for additional weeks of benefits outside of the weeks at issue in this matter. Claimant’s eligibility for benefits for those weeks is not before EAB

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<sup>3</sup> While the December 13, 2023, administrative decision stated that claimant failed to complete his registration requirements, the decision did not state either what requirements claimant had failed to complete or the deadline by which he must have completed them. *See* Exhibit 1 at 4. The issuance of the December 13, 2023, administrative decision therefore did not constitute notice of the registration requirements.

in this matter, and EAB therefore lacks jurisdiction to address it. If claimant wishes to pursue benefits for those weeks, claimant is advised that he may contact the Department and file late claims for benefits for those weeks. If those late claims for benefits are denied, the Department will issue administrative decisions addressing those denials, which claimant may appeal separately.

**DECISION:** Order No. 24-UI-248325 is set aside, as outlined above.

D. Hettle and A. Steger-Bentz;  
S. Serres, not participating.

**DATE of Service:** April 2, 2024

**NOTE:** You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the Court of Appeals website at [courts.oregon.gov](https://courts.oregon.gov). Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

**NOTE:** This decision reverses an order that denied benefits. Please note that payment of benefits, if any are owed, may take approximately a week for the Department to complete.

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# Understanding Your Employment Appeals Board Decision

## English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

## Simplified Chinese

注意 – 本判决会影响您的失业救济金。如果您不明白本判决，请立即联系就业上诉委员会。如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

## Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyon.

## Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

## Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

## Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

## Khmer

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

## Laotian

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຳຄໍາຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

## Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار.

## Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**

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[www.Oregon.gov/Employ/eab](http://www.Oregon.gov/Employ/eab)

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